# 1AR---Dartmouth---Round 2

## Adv---Expertise

### Solvency---AT: Presumption---1AR

#### ‘CBR’ entails enforcement.

Hirshman ’81 [Linda; February 17; Counsel at Jacobs, Burns, Sugarman & Orlove; General Counsel at Amalgamated Transit Union; Supreme Court of the United States, “Jackson Transit Authority and the City of Jackson, Tennessee, Petitioners, v. Local Division 1285, Amalgamated Transit Union, AFL-CIO-CLC, Respondent,” No. 81-411]

The legislative history thus leaves no doubt that federal law is the source of the right that the Union asserts to have its collective bargaining agreement with Jackson remain in effect. It was the intent of Congress that federal law would determine the binding effect of labor protection agreements under § 13(c) and of the collective bargaining agreements reached pursuant to § 13(c) between unions and receipients of UMTA funds. Federal law is thus the source of the right the Union asserts in this case. For that reason, the Union's claim arises under federal law for purposes of 28 U.S.C. §§ 1331 and 1337(a), and those sections would create federal jurisdiction over the Union's claim regardless of the Congressional intent discussed above, to continue the right to federal enforcement [\*41] of collective bargaining agreements as part of the "collective bargaining rights" that § 13(c)(2) preserves. That conclusion is not affected by the fact that the federal rights the Union seeks to enforce have been embodied in a § 13(c) agreement and in a collective bargaining agreement. An action to enforce either of those agreements arises under federal law.

## Adv---Overreach

### AT: No Trump---1AR

## CP---Advantage

### LTNB---1AR

### Perm: Do CP---1AR

### Bargaining Key---1AR

#### In order to maximize expertise, civil servants have to feel they have direct influence over policy and staffing.

Richardson ’19 [Mark; 2019; Ph.D. from Vanderbilt, Master of Public Administration from the School of International and Public Affairs at Columbia, Assistant Professor at James Madison University; University of Chicago Press, “Politicization and Expertise: Exit, Effort, and Investment,” vol. 81]

Elected officials ask federal civil servants to accomplish difficult tasks, from maintaining the soundness of the financial system to reducing poverty to ensuring national security. Civil servants need expertise to formulate and implement effective public policy; however, presidents and congresses do not confer such expertise when they delegate responsibility for policy making. Rather, civil servants must invest effort in acquiring and applying the necessary expertise.

Many civil servants work for the federal government to craft public policy that achieves their agency’s mission and accomplishes goals they believe are important. When the president and civil servants have similar policy goals, civil servants can work with the president’s political appointees to achieve these shared goals. However, presidents do not always share the policy goals of civil servants, and, when they do not, presidents often use their political appointees to gain control of agency policy making, which is commonly referred to as politicizing the agency (Edwards 2001; Golden 2000; Lewis 2008; Moe 1985; Nathan 1975; Waterman 1989; Weko 1995). At the president’s direction, these appointees can alter how an agency pursues its mission, and they often exclude civil servants who do not share the president’s views from agency policy making. The change in agency policy and loss of policy influence decreases the value affected civil servants derive from public service, increasing their incentives to exit the agency and decreasing their incentives to invest in policy expertise.

The election of Donald Trump to the presidency has had dramatic consequences for career civil servants, and the changes in policy implemented by his administration provide illustrative examples of how politicization alters civil servants’ job satisfaction. At the Department of Homeland Security, the employee unions of US Immigrations and Customs Enforcement (ICE) and US Customs and Border Protection endorsed President Trump during his campaign. Soon after taking office, President Trump increased the discretion of ICE agents to determine enforcement priorities and directed additional resources to both agencies, which has reportedly improved morale among the agents and officers (Bedard 2017). An ICE agent told a reporter with the New York Times, “The discretion has come back to us; it’s up to us to make decisions in the field. We’re trusted again” (Kulish, Dickerson, and Nixon 2017).

Conversely, at the Environmental Protection Agency (EPA), President Trump has implemented changes intended to undo the Obama administration’s policies to limit climate change and appointed an administrator, Scott Pruitt, who sued to vacate the same Obama era policies when he was attorney general of Oklahoma (Dennis 2017). Many civil servants at the EPA do not share the policy views of the president or Administrator Pruitt, and employees who believe in anthropogenic climate change and continue to work at the EPA have little expectation that their efforts on the job will improve the public policies they care about. As a result, EPA employees have described morale as “at rock bottom,” “bleak,” and “in the dumps” (Davidson 2017; Dennis and Eilperin 2017). More than 700 employees left the EPA in 2017, including more than 200 scientists, nine department directors, and dozens of program managers. Near year end, the agency had only hired 129 people, and just seven were scientists. In the office that ensures safe drinking water, 26 people departed while one was hired. Employees say the agency has lost decades of knowledge about environmental protection (Friedman, Affo, and Kravitz 2017).

In general, federal agencies serve as repositories of policy expertise across presidential administrations. The choices of individual civil servants to acquire policy expertise, apply that expertise, and, ultimately, remain in public service across presidential administrations determine the quality of policy making by the executive branch. Identifying the determinants of these choices is necessary to understand the development and maintenance of agency expertise.

Despite the importance of policy expertise for effective policy making, little empirical work analyzes career civil servants’ decisions to remain in public service and exert effort acquiring and applying policy expertise systematically across agencies (but see Andersen and Moynihan 2016; Bertelli and Lewis 2013; Bolton, de Figueiredo, and Lewis 2016; also see Carpenter [2001] and Gailmard and Patty [2013] for agencylevel case studies). Important work by previous scholars identified the potential for agency politicization to reduce policy expertise (e.g., see Golden 2000; Lewis 2008), but it lacked direct, systematic measures of individual-level perceptions and behavior across the executive branch (but see Resh 2015).

In this article, I use data from an original survey of more than 3,500 federal executives to answer three questions. First, are career civil servants whose preferences diverge from those of political appointees more likely to be excluded from policy making? Second, are career civil servants who perceive that their agency is politicized more likely to exit the agency? Third, are career civil servants who perceive that their agency is politicized less likely to exert effort investing in and applying policy expertise? Accounting for potential threats to statistical inference, I find that greater preference divergence between career civil servants and political appointees increases the probability that careerists perceive appointees in their agency have more policy influence than senior career civil servants (i.e., that their agency is politicized). I find that civil servants who perceive that appointees have more policy influence than senior civil servants are more likely to express intent to exit the agency within a year, replicating a finding by Bertelli and Lewis (2013). While I do not find a relationship between perceived politicization and hours worked per week (i.e., general effort), I do find that senior civil servants who perceive greater politicization are less likely to report that they engage in activities associated with investment in policy expertise (e.g., attending training or consulting external policy experts). In total, these findings provide some of the first systematic, microlevel evidence that civil servants whose policy preferences diverge from those of political appointees are more likely to be excluded from policy making and that this loss of policy influence is associated with reduced expertise investment.

HOW POLITICIZATION REDUCES EXPERTISE

Politicization reduces expertise at federal agencies by reducing many civil servants’ job satisfaction, which increases their likelihood of exiting their agency and reduces their incentives to invest in policy expertise if they stay. Most civil servants intrinsically care about the content of the public policy their agency will create.1 Civil servants invest in policy expertise by acquiring information that can be used to better predict the outcomes of agency policy making because it allows them to craft policies that are more likely to produce their preferred results. When deciding whether to remain in public service and, if so, how much effort to exert, a fundamental question policy-motivated civil servants must answer is, Will I have policy influence? Their expectations of future policy influence will be based on the probability that they will be assigned key policy tasks and be included in policy making at their agency.

Careerists’ policy influence is partly determined by presidents’ staffing choices, and careerists’ policy views are an important determinant of these choices. Presidents are more likely to politicize agencies filled with career civil servants who do not share the president’s policy views because presidents worry such agencies will not otherwise produce policy congruent with their preferences (Lewis 2008). A common technique of presidential control is to concentrate policy influence among employees who share the president’s policy views, often political appointees. Senior political appointees make policy and personnel decisions including delegating policymaking tasks and reviewing policy proposals by their subordinates.2 These decisions often involve excluding a career ist who appointees determine to be problematic from policy making by replacing the person with an appointee or acceptable careerist, adding an appointed manager above the problematic careerist in the organizational hierarchy, or adding appointed special assistants (often Schedule C appointments) that have significant informal authority (Lewis 2008, 30–37). In each case, the end result is that the targeted careerist loses policy influence.

Losing policy influence reduces the value policy-motivated careerists receive from public service. They have at least two options to compensate for this loss.3 First, they can find another job that is more satisfying. The more civil servants lack policy influence, the more likely they are to want to leave the agency for a better opportunity and, eventually, to find another job, taking their expertise with them.4 Second, careerists who choose to remain in public service despite a loss of policy influence are likely to put forth less effort because they do not expect to reap a reward commensurate with their cost of effort. Civil servants must believe the gains from expertise investment, in particular being able to use that expertise to make policy, are sufficient to offset the costs of acquisition; otherwise, they will prefer not to invest (Gailmard and Patty 2007).5

In sum, politicization increases civil servants’ incentives to exit their agency and reduces their incentives to exert effort on the job, including acquiring policy expertise. Civil servants whose preferences diverge from preferences of the president and the president’s appointees are most likely to be excluded from policy making because, to gain control, appointees prefer to delegate key policy-making tasks to employees with policy preferences that are similar to their own. This loss of policy influence creates incentives for policy-motivated civil servants to exit public service or, if they remain, to reduce their level of effort. The cumulative effects of increased turnover and reduced effort acquiring and applying expertise are less policy expertise in federal agencies and less effective public policy.

#### Eliminating policy influence tanks expertise, only the plan decreases attractiveness of outside offers.

Bertelli ’13 [Anthony; April; Ph. D. in public management and policy from the University of Chicago, J.D. from University of Pittsburgh; Journal of Public Administration Research and Theory, “Policy Influence, Agency-Specific Expertise, and Exit in the Federal Service,” vol. 23]

Given the benefit of hindsight, it is natural to wonder whether executives in FEMA could have done more to stem the tide of executive departures in the agency. Executive turnover in the agency directly influenced the capacity of the agency to respond to Hurricane Katrina. As early as 2002, FEMA was rated the worst place to work in government, and by 2005 the agency was plagued by deteriorating morale, conflict between careerists and appointees, and persistent vacancies (Lewis 2008). Key senior civil servants who had served in leadership positions in the Clinton and Bush administrations found other options outside the agency more attractive, some in state emergency management bureaucracies. Part of the dissatisfaction in the agency stemmed from policy disagreements stemming from a renewed focus on terrorism preparedness. The inclusion of the new agency in the Department of Homeland Security also promised less influence for FEMA careerists over the direction and priorities in the agency. Our research suggests that the combination of reduced influence and outside options can be a recipe for executive exodus. This is what we observed.

Those departing careerists had high agency-specific human capital that was not easy to replace. Existing research suggests that these employees should be particularly valued by agency senior leaders. Could more have been done to retain these employees? This question highlights an important theme in this article. An underappreciated part of the turnover story is the role that senior agency officials play. They can stanch or augment the flow of executives from an agency by their choices. Although agency employees decide to stay or leave on the basis of their outside options and policy making opportunities within the agency, the attractiveness of outside offers and the amount of influence is importantly influenced by the choices of agency senior leaders. Appointed executives at the very highest levels can manipulate formal and informal rewards to agency employees to keep valued executives. This is an increasingly important aspect of public management.

#### Enforceable collective bargaining enshrines worker input in regulatory decisions, stymieing aggrandizement.

Sherk ’25 [James; January 19; M.A. in Economics from Rochester University, B.A. from Hillsdale College; Harvard Journal of Law & Public Policy, “Reining In The Unconstitutional Powers of Federal Labor Unions and Arbitrators,” vol. 48]

A. CBAs Deprive the President of Control Over Agency Management Procedure

CBAs prescribe the procedures for exercising core management rights—such as how agencies hire, fire, or evaluate employees. These contract articles cannot be changed, without union consent, until the contract expires and is renegotiated. This deprives the President of control over agency management procedures for multiple presidential terms.

CBAs generally govern agency conditions of employment—with some exceptions. Agencies do not have to negotiate matters specifically provided for by law or covered by government-wide rules or regulations. 37 As a result, most federal unions cannot bargain over pay or benefits—those terms of employment are set by law.38 But where agencies have discretion over working conditions, the agency heads must bargain over them. The resulting CBAs are binding on the agency until the agreements expire.39

Unions generally cannot bargain over the substance of core management rights. 40 Subjects like an agency’s mission, budget, or organization are off the table. So are decisions about who gets hired, promoted, suspended, or dismissed, or employee work assignments. 41 However, these management rights come with a major carve-out. Federal unions can negotiate the procedures for exercising management rights, as well as “appropriate arrangements” for employees “adversely affected” by their exercise. 42 So while CBAs cannot dictate who an agency will fire or hire by name, they can (and typically do) dictate dismissal43 and hiring44 procedures, as well as arrangements for laid-off employees (like preferential re-hiring) that would otherwise infringe on management rights.45 CBAs similarly can determine how agencies promote employees, 46 assign work, 47 and evaluate performance. 48 They also typically set telework and remote work policies.49 In short, they can govern most aspects of agency workforce management.

CBAs Take Precedence Over Agency Regulations

The FLRA has also ruled that CBAs “take precedence” over agency rules and regulations.50 And while unions cannot bargain over matters covered by government-wide rules or regulations, section 7116(a)(7) of the Statute prohibits agencies from enforcing any rules or regulations that conflict with existing CBAs until they expire.51 So government-wide rules— including executive orders—cannot be enforced until conflicting CBAs terminate. 52

CBAs typically last three to six years.53 CBAs also almost universally contain “continuance” clauses that keep them legally in effect until a new contract is negotiated, a process that takes an average of about four years.54 Consequently, the Statute is applied to prevent the President from changing working conditions covered by CBAs for upwards of 7 to 10 years—the duration of the contract and subsequent re-negotiations. During this period, the agency cannot change course on matters covered by the CBA, nor can the President enforce an executive order telling it to do so.

Prolonged Restrictions on Presidential Power

CBAs can lock in policies even longer if unions deliberately drag out negotiations. 55 As discussed in greater detail below, the overwhelming majority of union leaders are agency employees paid by their agency to perform union business. However, when they negotiate CBAs they are formally acting on behalf of the union as a third party and are not subject to agency control.56 Union negotiators accordingly have complete freedom to—and often do—prolong bargaining to forestall policies they oppose.

For example, the VA negotiated its master CBA with AFGE in 2011. The Trump Administration reopened the contract in 2017. AFGE opposed making concessions and used stalling tactics to drag out bargaining. Negotiations did not conclude until August 2023—following six years of negotiations and more than a dozen years after the contract first took effect.57

As a result, the Statute has been interpreted to deprive the President of control of agency management procedures for prolonged periods. Once a provision is put in a CBA, neither the President nor his subordinates can change it—absent union consent—for the better part of two to three presidential terms. Until the CBA expires and is renegotiated, its terms remain wholly outside presidential control.

The outgoing Biden Administration openly used this aspect of the Statute to stymie the re-elected President Trump. After Trump won 2024 election several agencies reopened their contracts and negotiated extensions of CBA articles to prevent President Trump from changing course. For example, shortly after President Trump announced he would return federal employees to in-person work the Social Security Administration (SSA) agreed to extend their AFGE telework agreement until 2029. That agreement guarantees SSA employees between two and five days of telework a week, depending on their occupation.58 If this aspect of the Statute is constitutionally valid, President Trump will not be able to alter SSA management policies throughout his entire second term.

B. CBAs Affect Agency Operations

Management procedures have a large impact on agency operations. They are a major means by which agencies—like other employers—govern their workforces. Academic research unsurprisingly finds that federal unions significantly affect agency operations. One law review article documented how union CBAs prevented “structural deregulation” at the Internal Revenue Service (IRS). Union contracts stymied privatization efforts by making reductions-in-force difficult, undercut policies intended to shift enforcement incentives, and made it hard for managers to tie employees’ pay to their performance. This undermined efforts by the Clinton and George W. Bush Administrations to reorient the IRS away from aggressive enforcement.59 The author describes the Statute as effectuating “separation of powers by contract.”60

#### Reject ‘sufficiency’ since our impact is linear. Even if the CP gets close, the more in control they feel against presidential tactics, the better they problem-solve.

Moynihan ’25 [Donald; December 22; PhD, Professor of Public Policy, University of Michigan; De Gruyter, “The Civil Service as a Problem-Solving Institution,” https://www.degruyterbrill.com/document/doi/10.1515/for-2025-2032/html]

Expertise needs protection from politicization. The patterns of problem solving described here would be improved if they were supported by political actors. For example, Congressional indifference to performance data has dramatically weakened the incentives for civil servants to invest marginal effort into performance improvement. Similarly, the Trump administration has shown much lower interest in using burden reduction frameworks than their predecessor. Even under normal governance conditions, patterns of political inconsistency and neglect undermine any framework for problem-solving.

Under conditions of outright political hostility to civil servants, the prospect for problem-solving become even bleaker. One of the most compelling theories from political science about the civil service is the expertise model that Gailmard and Patty (2012) have advanced. The theory uses both formal modeling and historical accounts to understand why civil service systems exist. A key assumption is that many problem-solving skills that civil servants develop have limited value in the private sector. Therefore, they need incentives to invest in developing expertise. Employees who work in unstable environments, where they can easily be fired, will be less likely to invest in expertise.

Employees who cannot put their expertise to use in policy making will likewise be discouraged from cultivating their expertise. Politicians have an interest in a high functioning public sector, and therefore should be willing to offer that stability alongside with some promise of autonomy to public employees. The most credible way in which they have found to do so is through formal civil service systems that provide job security and at least some measure of influence.

#### Transparent info-sharing and dispute resolution channels keep productivity afloat.

Keppler ’24 [Casey; 2024; J.D. University of Iowa College of Law, B.B.A. from University of Iowa; Hofstra Labor & Employment Law Journal, “The Propriety of Restraint: Assessing the Viability and Wisdom of Executive and Legislative Branch Action to Eliminate Collective Bargaining Rights in the Department of Defense,” vol. 41]

An individual employee is significantly disadvantaged when attempting to seek relief from his or her employer.523 Collective bargaining gives employees a collective "voice" in an effort to level the playing field. 524 A primary driver behind employees' efforts to organize and collectively bargain is, in fact, to gain a voice in the conduct of operations. 525 Exercising their voice not only permits employees to improve their working conditions but also results in information sharing between employees and management that can produce a more effective and efficient working environment.526

The Supreme Court has acknowledged the important role that collective bargaining serves in providing an opportunity for employees to communicate information and suggestions that may be helpful to management.527 Unions can effectively gather information from their membership, bring concerns to management's attention, and provide clarification to their membership regarding rules or policies being proposed or implemented by management. 528 There is significant evidence, in fact, that collective bargaining serves as an effective mechanism for employees and employers to work together, thereby giving employees a voice and boosting their performance and morale. 529 Studies have shown that employee engagement with management is more productive when employee communications are channeled through an independent representative such as a labor union. 530 Given the adversarial approach that naturally results due to the parties' commonly conflicting interests, the statutory requirement to bargain in good faith serves an invaluable purpose of securing a channel of communication. 53 1 Removing that requirement increases the likelihood that open communication will cease and workplace disputes will linger without resolution.

Giving employees a voice in the conduct of operations reaps benefits beyond information sharing; it also positively impacts morale and productivity.532 Direct engagement that results in even small concessions from management can generate a sense of employee empowerment that has outsized effects on morale. 533 According to a report published by the World Bank, countries with higher unionization rates tend to exhibit higher productivity, and a sizable population of labor union members tends to have a stabilizing and beneficial effect on the national economy. 534 Empirical evidence also shows a positive correlation between participation in collective bargaining and participation in societal democratic processes. 535 Collective bargaining's positive impact on communication, morale, and productivity demonstrate that its importance extends beyond the tangible gains yielded by negotiation and litigation.

#### Independently, it provides intrinsic value that maximizes performance.

Bruno ’16 [Robert A.; October 14; Director of the Labor Education Program and Project for Middle Class Renewal and a Professor of Labor and Employment Relations in the School of Labor and Employment Relations at the University of Illinois, Urbana-Champaign; University of Illinois at Urbana-Champaign School of Labor and Employment Relations, “The Relationship Between Unions and Meaningful Work: A Study of Public Sector Workers in Illinois,” https://lep.illinois.edu/wp-content/uploads/2021/08/Public-Sector-Meaningful-Work-Report-FINAL.pdf]

Researchers have investigated the reasons why people pursue a career in the public sector. A compelling case has been made that individuals who pursue careers in the public sector are more highly motivated by intrinsic factors such as “work that is important” and work that “provides a feeling of accomplishment.”

This report, The Relationship Between Unions and Meaningful Work describes findings from a survey of a small group of Illinois public sector workers which investigates the work motivations of public employees. The study shows new evidence that government employees are strongly motivated to find “purpose in work that is greater than the extrinsic outcomes of the work.” Additionally, we find that government employees view their public sector union as a primary source of intrinsic motivation.

The unions that public sector workers belong to, do more than simply negotiate and enforce collective bargaining agreements. As our findings suggest, they are also related to the competence and performance level of public sector employees. But perhaps more provocatively, it is likely that the union plays an important role in the meaningful work that they experience while on the job, the job satisfaction they experience, and the prosocial values they maintain; some of the very factors that drawl individuals into public service.

The policy implications for Illinois and other states are obvious. First, by taking away the right to unionize or denigrating the value of collective bargaining, as occurred in Wisconsin, Indiana, and Michigan the state may be removing one of the most important incentives to recruit highly educated people to public service. Second, a weaker or nonexistent unionized government labor force may transform the choice of public service into merely a self-interested financial exchange; labor becomes just another commodity.

Finally and most potentially troubling, if workers are without a collective identity that potentially facilitates their quest for meaningful work and subsequently, they perceive their employment as primarily or solely as a way to earn living, then public service itself loses a significant portion of its service dimension. Ironically, weakening the institution that is unjustifiably characterized as imposing a financial burden on citizens may produce a workforce that labors for little more than a paycheck. Fair compensation should be a minimum requirement for government employees, but so should a commitment to preserving the people’s common assets.

Our study challenges the claim that public sector unions act contrary to the common good. We found evidence that not only do workers who choose to pursue careers in the public sector do so in spite of the comparative lower wages that they earn, but that the unions they belong to strongly related to their desire to accomplish more thorough work than earning an income. Work in the public sector serves as a vehicle to fulfill, at least in part, a personal need to experience a meaningful life and job.

Federal workers also lobbied for collective bargaining to play a greater role in civil service independence. Labor had historically been suspicious of the CSC and viewed it as hostile to their interests. A comprehensive 1975 study of civil service and the CSC observed that, despite statutory protections against firing and other major adverse actions, civil servants found themselves with “a lack of substantive rights” in a relationship “in which the superior has many opportunities to make discretionary judgments of considerable importance to the subordinate.”93 Workers’ “exercise of legal rights in such a relationship” was “often difficult and restrained.”94 By the 1960s and 1970s, federal workers had come to view the merit system as a “euphemism for favoritism” and saw collective bargaining as an alternative that advanced stricter application of employment rules, based on uniform application of CBAs rather than managerial discretion.95

AND

Finally, labor rights condition the ability of civil servants to leak, criticize, or otherwise speak out publicly about agency policy. David Pozen and Jennifer Nou, among others, have described how unauthorized disclosures of critical information by civil servants can check agency abuses, inform policy debates, and shape agencies’ agendas by shifting public opinion.148 Labor rights are a key guarantor of civil servants’ ability to speak publicly about agency policy through testimony, statements to the press, and other means. The CSRA protects the right of employees, when speaking in their capacity as union representatives, to present the “views of the labor organization” to “appropriate authorities,” which the FLRA interprets, in many circumstances, to include the press.149 Union officials can thus speak publicly about agency policy and management, even when line employees cannot. Union officials have leveraged their protected status to criticize executive branch policy in environmental regulation, education, immigration, and labor, among other policy areas.150 Unions also advocate for the right of other employees to speak out through litigation and labor agreements. Immigration judges, for example, have historically been protected by labor agreements in their right to critique removal policies, even if they are not union officials.151

### Advantage CP---AT: Productions---1AR

### Advantage CP---AT: Scientific Expertise---1AR

### Advantage CP---AT: Expert Commission---1AR

### Advantage CP---AT: Link to Productivity---1AR

### Advantage CP---AT: Bans Political Intimidation---1AR

### Advantage CP---AT: Impeachment---1AR

### Advantage CP---AT: Congressional Oversight---1AR

## DA---Capacity

### Capacity Turn---Link Turn---1AR

#### Unions solve.

Su ’25 [Julie; August 15; Senior Fellow, The Century Foundation, Former Acting U.S. Secretary of Labor; The American Prospect, “Union-Buster in Chief,” https://prospect.org/2025/08/15/2025-08-15-union-buster-in-chief-federal-employees/]

Unions—specifically federal employee unions—have been in the forefront of challenging the administration’s illegal and unconstitutional actions. Those actions include firing en masse probationary employees who were doing their jobs and running roughshod over civil service protections that ensured workers’ only oaths were to the Constitution and the country, not to Donald Trump. These actions have also included shutting down entire federal agencies and drastically cutting others that served the American people and American interests around the world, including ensuring food safety, approving lifesaving drugs, combating diseases, providing relief in the wake of hurricanes, floods, and wildfires, protecting workers from being injured and consumers from being cheated, and supporting independent media. In the process, this administration has waged a campaign of terror against their own staffs.

The unions have fought back. Through lawsuits, rallies, and building solidarity across the federal government, unions have been sand in the gears of Trump’s War on Workers.

#### Collectivity enables litigation---that checks Trump.

Farias ’25 [Cristian; February 11; Legal Affairs to Vanity Fair and the Hive; Vanity Fair, “The Federal Workforce Resistance to Donald Trump Is Here,” https://www.vanityfair.com/news/story/donald-trump-resistance-courts?srsltid=AfmBOopsisy79maacmlHH5GYb2W2ZwlpMHlKIrLwDhpSsUxykqQpujtM]

Federal civil servants, who in normal times simply keep their heads down and do their jobs in their respective corners of the government, take an oath to support and defend the Constitution of the United States against all enemies, foreign and domestic, and to “well and faithfully discharge the duties of the office” on which they are about to enter.

Consistent with that duty, they have begun to protest and resist the lawlessness they’ve encountered during the first month of the second Trump administration—both in and outside formal legal channels. Sometimes even in defiance of gag orders. During this uncertain period, many of them were revulsed by the bizarre “Fork in the Road” directive offering them a so-called “deferred resignation program”—under which the Office of Personnel Management, essentially the human resources arm of the executive branch, has pinky-promised them seven months’ worth of their taxpayer-funded salary plus benefits in exchange for no work.

In response, among other urgent actions, a group of civil servants got their heads together and organized a public letter addressed to their confused and distraught colleagues dispersed throughout the government, counseling them to not buy into what one local union leader said “has all the markings of a scam.” (As has been widely reported, the offer is nearly identical to what Musk offered Twitter employees when he bought the company.) More to the point, the letter aims to make clear that accepting the offer would undermine federal workers’ oaths and put them in the same law-free zone the president inhabits.

“The United States needs a lawful, committed, and non-partisan civil service to deliver critical services and act as a bulwark against corruption,” the letter reads. “We are being forced to make this decision with incomplete information and with our livelihoods at risk. It is difficult and unpleasant. But, for now, we do have a choice. Please choose with care.” In a series of posts on X last week, a national labor organization noticed how the goalposts from OPM keep moving and the legal sketchiness keeps increasing, and expressed a commitment to stay their ground. “We will not resign,” the union wrote.

In the popular /fednews subreddit, one anonymous civil servant put it more succinctly: “Take your resignation scheme and fuck right off.” A judge on Monday kept the mass purge offer blocked for now.

Writing in Slate, one federal employee at OPM noted how the directives the federal workforce has been receiving put her on a collision course with the oath she took, thus “making it especially awful that the threat to our government is coming from inside my own office building.” What’s striking about her account, which is as close as you can get to the source of the psychological warfare the Trump administration is waging against the federal workforce, is the solidarity she has encountered in the midst of it all. “Every increasingly desperate memo and email is driving us to form community, join our unions, and get to better know our co-workers,” the employee wrote. “I had to turn off notifications for Signal, the secure communication app, because my group texts from co-workers ping multiple times per hour.” A union-led lunchtime rally took place Tuesday at the Capitol.

None of this deters litigation, which has been a key tool to help keep the assault on the civil service at bay. Federal-worker unions have been at the forefront of challenging the battering ram of moves aimed at destabilizing them, their livelihoods, and the mission of the agencies they occupy, both here and abroad. From legal challenges to stop the bleeding of thousands of USAID workers stationed overseas to those that seek to rein in the Musk-led cabal rummaging over sensitive government records, unions and their lawyers have been on the move. Judges have begun to respond, largely in their favor, but the rulings are temporary and on tenuous ground since they’re all at a very preliminary stage. A court can only go so far in impeding a chief executive and empowered underlings hellbent on hollowing out entire agencies set up by Congress, as happened to the Consumer Financial Protection Bureau over the weekend. (There’s a union lawsuit trying to stop that too.)

## DA---Deference

### Deference DA---No Impact---1AR

#### There’s no will or capacity for nuclear escalation.

Shinkman ’23 [Paul; February 24; Senior Writer of National Security at U.S. News. “Putin’s Hollow Nuclear Threat.” U.S. News., https://www.usnews.com/news/the-report/articles/2023-02-24/why-ukraine-wont-lead-putin-to-nuclear-war]

“The likelihood of Russia choosing – or Putin choosing – to use nuclear weapons directly against the West is astronomically low. It should not even be seriously considered at this stage,” says Katherine Lawlor, senior intelligence analyst at the independent Institute for the Study of War, which has fastidiously tracked Russia’s military movements since it first invaded Ukraine. “Putin would love it if Western leaders believed that he might. He is many things, but he is not suicidal,” Lawlor says. She adds that Putin ultimately does not want war with NATO – particularly given the current state of the Russian army. “He couldn’t even win a conventional war in Ukraine.” Putin’s references to potential nuclear war serve as an extension of capitalizing on Russia’s limited economic and military resources to bend others’ will. It’s a tactic the Russian leader has **accelerated** since first invading Ukraine in 2014, shortly before Obama dismissed the former core of the Soviet Union as nothing more than a “regional power.” The method has worked to some degree, most visibly by isolating Germany from its traditional ironclad allies in the West due to Berlin’s protracted reluctance to send new forms of military aid to Ukraine’s military. And it has effectively raised concern among experts who specialize in the potential for nuclear war. “It would be dangerous to assume that Putin would never use nuclear weapons,” says Jon Wolfsthal, a senior adviser to nuclear disarmament advocacy group Global Zero and a member of the Bulletin of the Atomic Scientists, which annually publishes its “Doomsday Clock” marking the potential threat of nuclear war. He notes that approach “has not been adopted by the United States Government, by NATO nor by the Bulletin.” “Blind faith in deterrence does not guarantee stability, nor does it take heed of the lessons of history – recent and more distant – that deterrence is fragile and can fail,” he says. “As financial and military pressures on Putin grow, the concern is that he will not think clearly or may put more emphasis on survival and the destruction of Ukraine than he does on alliances or friends.” The Bulletin advanced the Doomsday Clock to 90 seconds to midnight in late January – closer to “midnight,” or theoretical annihilation, than ever before – citing not only the threat of nuclear war from Russia with regard to Ukraine but also the spread of disease and climate volatility that its invasion has exacerbated. Wolfsthal adds that the primary tools Western leaders have used to deter Russia – chiefly economic isolation – have not yet materialized to a level Putin takes seriously. “He has invaded a sovereign country, committed war crimes and is engaged in random bombing of civilians, and yet trade with a number of countries in Europe and elsewhere has increased,” he says. “If there is a major effort to use economic threats to deter Putin’s possible use of nuclear weapons, we have not seen it, and it has not been visibly communicated to Russia as far as our research indicates.” Others believe that Putin’s most ferocious nuclear rhetoric mostly exposes the extent to which the embattled Russian leader feels **desperate** for new sources of leve**rage**. They suggest that leverage is what he was seeking this week with a sudden announcement that he would suspend Russia’s involvement in the New START treaty, the last nuclear arms control treaty between the U.S. and Russia. “What this is, is a message,” says John Erath, a former top National Security Council official for European affairs, now senior policy director for the Center for Arms Control and Non-Proliferation. “For the last six months and more, Russia's strategy has been to seek leverage on the West to end its support to Ukraine and suspend the hostilities on terms favorable to Russia.” “This is another ingredient in that stew,” he adds. “And like much Russian food, it is lacking in nutritional value.” Erath suggests that Putin thinks he can trade on the promise of resuming Russia’s obligations to the treaty to convince the U.S. to cease its support for Ukraine’s goals in the war and to acknowledge the Russian army’s gains. “In that sense, the announcement is a big deal symbolically,” Erath says, adding that Secretary of State Antony Blinken was right to call the statement “unfortunate and irresponsible.” Since Putin’s decision to invade Ukraine, Russia’s other sources of influence are **rapidly dwindling** or, more surprisingly, are now exposed as ineffectual. European countries that previously relied heavily on flows of Russian energy – particularly natural gas – have defied expectations and survived winter so far without supplies from Moscow. The endemic rot of corruption within its Ministry of Defense has become widely exposed. Its conventional military has suffered a string of embarrassing defeats on the battlefield, including during the beginning of an ongoing offensive that Russia believed would shift momentum in its favor. The Institute for the Study of War, like several other private intelligence firms, believes Putin’s nuclear saber-rattling serves more as an information operation designed to prevent the U.S. and Ukraine’s partners in Europe from providing additional military aid that could be considered escalatory, such as long-range rockets or sophisticated tanks. He has had some success, chiefly in Germany’s initial hesitancy to provide Leopard tanks. A year into the war, some things appear to remain off the table: The U.S. is firmly and vocally opposed to a no-fly zone, which Ukraine has sought since Day One of the invasion to limit Russia’s ability to attack its defenses and its civilian centers from the skies. And while American officials publicly say the course of the war is up to the Ukrainians, they have reportedly bristled at the suggestion that Kyiv would seek to reclaim the Crimean Peninsula, seized by Russia in 2014. Similarly, the U.S. has balked at the possibility of providing weapons that could carry the war into Russia itself. What Putin also has in his favor is a dramatic reversal in the outlook of some key figures in the Republican Party, who have inexplicably changed their perspective on Russia under the leadership of Trump in recent years. With Moscow once the center of Ronald Reagan’s “evil empire” and more recently viewed as an autocratic state seeking to reestablish an empire by force at the cost of newly democratic nations, the party of Trump finds itself with an estimated 97% percent of the Russian army engaged in a ground war and being routed by a foreign army without the loss of a single American life – yet questioning the financial cost of the commitment. What that means in the course of a presidential campaign that prominently features Trump and a host of similar-minded Republicans competing for the base he secured remains to be seen. The 70-year-old Putin, in office since 1999 and frequently referred to as “president for life,” may conclude he has only to wait out Biden’s promises of steadfast support for Ukraine. But for Putin to follow through on launching a nuclear attack, he would have to believe that doing so would achieve a military objective that outweighs the surefire response of a conventional military response from NATO, as well as the ensured international isolation from what few partners Russia has left – chiefly in China and India, where leaders have warned Putin against nuclear weapons use. Within Russia, the **war is not popular**, though polling suggests Putin has not yet lost the faith of the majority of ordinary Russians. Still, reports emerge regularly about the lack of confidence Russian troops have in their leaders up the chain of command – leading some analysts to even speculate whether generals charged with executing nuclear launch orders would comply with their directives. Using nuclear weapons also **wouldn’t achieve Putin’s battlefield aims**. Russian military doctrine calls for the use of low-yield nuclear warheads as a last-ditch tactic to punch a hole in enemy lines that mechanized infantry could then exploit. “The problem is Russian forces are **utterly degraded**, absolutely shattered,” Lawlor says. She notes the same is true of the Ukrainian military but adds that Russia does not currently have a single deployable division of troops that could carry out that level of operations. “Then factor in NATO retaliation for violating the nuclear taboo, likely to include conventional missile strikes on Russian headquarters, ammunition depots and storage facilities within Ukraine,” she says. “You’ve just **lost** the operational advantage you might have gained by using low-yield nuclear weapons – even if you use 10 or 15.” This scenario, however, exists within Russian offensive operations. Lawlor adds these circumstances could change if Russia feels it is squarely in a defensive position and needs to prevent “all-out disaster.” “You have to think about the human response to nuclear use,” she says, describing the effect on a Ukrainian soldier who witnesses a rising mushroom cloud several miles away toward the front lines. “The symbolism is really important in that the Russians may assume it would have a devastating effect on the morale of the surviving Ukrainian forces,” Lawlor says. “At this stage in the war, though, it’s not even under consideration because the Russians are still conducting offensive operations.” At least some of those who have engaged with Putin directly agree. Former Prime Minister Boris Johnson revealed earlier this month that he had received direct warnings from Putin of nuclear war. “He threatened me at one point, and he said, 'Boris, I don't want to hurt you, but with a missile, it would only take a minute,' or something like that. Jolly,” the conservative politician told the BBC. Johnson later explained to Fox News that he believed that what Putin was “trying to do was creep me out … trying to reduce it to a story about a nuclear standoff between Russia and NATO.” He argued that **Putin understands** the **devastating effect** on **Russia** if it were to launch nuclear weapons.

### Deference DA---No Internal---1AR

#### Insufficient.

1NC Sepasspour ’23 [Rumtin; April 21; MPP, cofounder and director of Policy of Global Shield, an international organization advocating for policy action on reducing global catastrophic risk, research affiliate with the Centre for the Study of Existential Risk at the University of Cambridge, and a visiting fellow of School of Regulation and Global Governance at the Australian National University; Bulletin of the Atomic Scientists, “Existential espionage: How intelligence gathering can protect humanity,” https://thebulletin.org/2023/04/existential-espionage-how-intelligence-gathering-can-protect-humanity/]

Intelligence communities are certainly not the only sectors of governments that could or should analyze existential threats. Nor would they be responsible for preventing the risks or building resilience to them. They can, however, play a critical role. Intelligence collection and analysis capability would help lead government efforts to detect, understand, and warn senior policymakers of these threats.

#### Greatest threats are politicization..

Pielke ’25 [Roger; June 3; Senior Fellow at the AEI, Professor Emeritus in the College of Arts and Sciences at the University of Colorado Boulder; American Enterprise Institute, “The Politicization of Intelligence, Part 2,” https://www.aei.org/articles/the-politicization-of-intelligence-part-2/]

In 2025, the biggest challenge facing intelligence — broadly conceived — is that everyone wants to politicize it, that is, to shape what is believed to conform to a parochial political agenda, reality be damned.

This dynamic is now common across the political spectrum and has been with us for a while — The 2016 word of the year from Oxford University Press was post-truth.

Even though intelligence cannot be completely free of politicization, reality still matters. Pathological politicization of intelligence leads to bad decisions, and bad outcomes — Pearl Harbor, 9/11, WMDs are familiar in cases of national security, but as readers of THB know, intelligence failures are endemic across policy topics.

Countering the pathological politicization of intelligence will not result from trying to win arguments over reality. The only successful counter will come from strong leadership — in politics and in institutions of intelligence — that respects that reality matters, and that some people and institutions should be supported to call things as they see them, regardless whose interests might be implicated. In 2025, such leadership is in short supply.

### Deference DA---No Link---1AR

#### Morrison, Humphrey’s, and Wiener should’ve shattered the doctrine.

Chemerinsky ’25 [Erwin; December 3; B.A. from Northwestern University, J.D. from Harvard Law School, Professor of Law at University of California, Berkeley; SCOTUSBlog, “Morrison v. Olson and the triumph of the unitary executive theory,” https://www.scotusblog.com/2025/12/morrison-v-olson-and-the-triumph-of-the-unitary-executive-theory/]

Although there have been advocates of expansive presidential power since early in American history, the unitary executive theory stems from the work of young lawyers – including John Roberts and Samuel Alito – in the Reagan administration. Their argument – and the central claim today – is based on the language of Article II: “The executive Power shall be vested in a President of the United States.” Supporters of the unitary executive theory say that this provision, often called the “vesting clause,” places the executive power in the president of the United States.

But opponents of this theory say that the language of Article II just names the chief executive; it is “president” and not “prime minister” or “czar.” Critics also express great concern that this theory unduly limits the ability of Congress to check presidential power. In fact, during Alito’s confirmation hearings for the Supreme Court in January 2006, several witnesses (including me) testified against him based on his embrace of the unitary executive theory and how that would undermine checks and balances.

The unitary executive theory came directly before the court in Morrison v. Olson, near the end of the Reagan presidency. The Ethics in Government Act of 1978 provided for the appointment of an “independent counsel” to investigate credible allegations of illegal conduct by the president or a high-level executive official. Upon request from the attorney general, a panel of three federal judges, who had been appointed by the chief justice, would select an independent counsel. Once appointed, the person serving in that role could be removed only for “good cause.”

Alexia Morrison was appointed as independent counsel to investigate three former high-level executive branch employees who refused to provide documents to congressional committees concerning the administration of the Superfund law, a major environmental protection statute. The subjects of Morrison’s investigation argued that the Ethics in Government Act was unconstitutional in both the manner of appointing the independent counsel and in the limits on removing that person from office.

The Supreme Court rejected these constitutional objections and upheld the act. Chief Justice William Rehnquist, a fierce judicial conservative, wrote for the court. As for the appointment power, he explained that Article II of the Constitution provides that “Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.” The court found that the independent counsel was an “inferior officer” because she could be removed by the attorney general for good cause and because she possessed fewer powers than the attorney general.

The challengers to the Act invoked the unitary executive theory in arguing that limiting removal to cases in which there is good cause impermissibly interfered with the president’s exercise of his constitutional powers and that the law violated the separation of powers by reducing the president’s ability to control prosecutions, which is the exclusive prerogative of the executive branch.

The Supreme Court expressly rejected these arguments. The court relied on two earlier decisions: the 1935 case of Humphrey’s Executor v. United States and the 1958 case of United States v. Wiener. In Humphrey’s Executor, the court unanimously upheld the ability of Congress to limit the removal of a commissioner of the Federal Trade Commission to “inefficiency, neglect of duty, or malfeasance in office.” In Morrison, the court explained: “In Humphrey’s Executor, we found it “plain” that the Constitution did not give the President ‘illimitable power of removal’ over the officers of independent agencies. Were the President to have the power to remove FTC Commissioners at will, the ‘coercive influence’ of the removal power would ‘threate[n] the independence of [the] commission.’”

In Wiener, the court went further and held that even without a statutory limit on removal, the president could not remove executive officials when independence from the president is desirable.

The court in Morrison also rejected the argument that the Ethics in Government Act violated the separation of powers. In disagreeing with the unitary executive theory, Rehnquist wrote, “we have never held that the Constitution requires that the three branches of Government ‘operate with absolute independence,’” and that “this case does not involve an attempt by Congress to increase its own powers at the expense of the Executive Branch.”